

# EXHIBIT A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re AMERICAN REALTY CAPITAL : Civil Action No. 1:15-mc-00040-AKH  
PROPERTIES, INC. LITIGATION :  
: CLASS ACTION  
This Document Relates To: :  
: ALL ACTIONS. :  
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DECLARATION OF MISHKA FERGUSON CONCERNING STATUS OF CLAIMS  
ADMINISTRATION AND PAYMENT OF PARTIAL DISTRIBUTION

I, MISHKA FERGUSON, declare as follows:

1. I am Vice President of Securities at Gilardi & Co. LLC (“Gilardi”), located at 1 McInnis Parkway, Suite 250, San Rafael, California 94901. I make this declaration based on personal knowledge, and if called to testify I could and would do so competently.

2. Pursuant to the Court’s January 29, 2020 Order Concerning Periodic Reports By Claims Administrator (Dkt. No. 1314), the Court directed Gilardi to submit to the Court periodic reports based upon reaching certain milestones in the claims administration process. The first report required by the Order was submitted on November 6, 2020 (Dkt. No. 1321). The Order requires a second report “[o]nce the first distribution is sent...informing the Court that distribution of the Net Settlement Fund has begun and the amount distributed.” Dkt. No. 1314 at 1. I am providing this Declaration in compliance with that Order.

3. On December 23, 2020, an initial distribution of the Net Settlement Fund was made to the 31,711 claimants with valid and perfected claims as of December 11, 2020.

4. As of January 21, 2021, there remain a substantial number of claims that have either been rejected, have outstanding data deficiencies, document deficiencies or other concerns, or have been newly submitted or revised recently and remain to be processed. Gilardi and Lead Counsel are continuing to evaluate these claims. A reserve has been established sufficient to make a subsequent pro-rata distribution to claimants with currently disputed, revised, or late claims that are subsequently determined to be valid and perfected.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 26th day of January, 2021, at San Rafael, California.



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MISHKA FERGUSON